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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

SECOND APPELLATE DISTRICT

DIVISION THREE

THE PEOPLE,

Plaintiff and Respondent,

v.

WILLIAM J. LONG,

Defendant and Appellant.

B216314

(Los Angeles County  
Super. Ct. No. TA099269)

APPEAL from a judgment of the Superior Court of Los Angeles County, John J. Cheroske, Judge. Affirmed.

A. William Bartz, Jr., under appointment by the Court of Appeal, for  
Defendant and Appellant.

No appearance for Plaintiff and Respondent.

William J. Long appeals from the judgment entered following his plea of guilty to voluntary manslaughter (Pen. Code, § 192, subd. (a))<sup>1</sup> and his admission, pursuant to section 667, subdivision (a) and the Three Strikes law, that he previously was convicted of assault with a firearm (§ 245, subd. (a)(2)). The trial court sentenced Long to 27 years in prison. We affirm the judgment.

## **FACTUAL AND PROCEDURAL BACKGROUND**

### *1. Facts.*

At approximately 9:30 p.m. on August 19, 2008, Ryan Price was outside his home located on the 700 block of 131st Street in Compton. He was listening to music and talking on the phone with his best friend. Price's neighbor, Ron Barnes, who lived across the street from Price, pulled up in a car and parked it on the street. Barnes then walked up the driveway, past a car parked there and toward the door to his house. Before he reached the door, Long got out of the car parked in the street and began arguing with Barnes. Long then repeatedly pushed Barnes up against the car parked in the driveway. In response, Barnes yelled at Long, telling him to "stop" and "to get away from him."

Instead of backing off, Long pulled out a knife and started stabbing Barnes. Long first stabbed Barnes, who was at that time facing the car, in the leg. Barnes tried to get away by pushing at Long, but Barnes was only able to turn around. Long continued to stab Barnes in the leg and the side. He then pushed Barnes to the ground and, while straddling him with his legs, stabbed him in the legs, stomach, chest and heart. As he was stabbing Barnes, Long repeatedly said, "'[Y]ou're the devil.'" Price then saw Long "slice [Barnes's] throat." Long continued stabbing Barnes "[a]ll over the place" and "over and over."

A woman had also been in Barnes's car and, after Long pushed Barnes, she had gotten out of the car and yelled at Long to stop. When Long failed to stop pushing and yelling at Barnes, the woman used her cell phone, presumably to call the police.

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<sup>1</sup> All further statutory references are to the Penal Code unless otherwise indicated.

Long continued stabbing Barnes as he lay on the ground. Price went over and attempted to hit Long with a pole to make him stop. However Price was afraid that he “was going to go to jail” if he continued to hit Long, so he stopped.

Deputy Sheriffs pulled up while Long was still stabbing Barnes. They initially pointed their guns at Price. Price, however, told them he was not the man they wanted. Pointing at Long, Price stated, “He’s right there.” The deputies then focused their attention on Long and ordered him to put down the knife. However, only after a deputy ordered Long to put down the knife for the third time did Long stop stabbing Barnes and set the knife aside.

Los Angeles County Sheriff’s Detective Scott Fines is a homicide investigator and was one of the law enforcement officers assigned to Long’s case. Fines was present at the scene of the stabbing when a criminalist recovered a Buck brand hunting knife with blood on it. Fines was informed by Dr. Juan Carrillo, who performed an autopsy on Barnes’s body, that the cause of death was 92 stab wounds, some of which were “lethal.” In addition, it was Carrillo’s opinion that “the manner of death was a homicide.”

## *2. Procedural history.*

On December 18, 2008, Long was charged by information with the murder of Reynaldo Barnes in violation of section 187, subdivision (a), during the commission of which he personally used a dangerous and deadly weapon, a Buck knife (§ 12022, subd. (b)(1)). It was further alleged pursuant to section 1170.12, subdivisions (a) to (d) and section 667, subdivisions (b) to (i) that Long had suffered a prior conviction for a serious or violent felony, assault with a firearm (§ 245, subd. (a)(2)). Long waived arraignment, entered a plea of not guilty to the offense and denied the special allegations.

On January 15, 2009, the information was amended to include an allegation that Long had suffered a conviction for a serious felony, assault with a firearm (§ 245, subd. (a)(2)), within the meaning of section 667, subdivision (a)(1).

On March 12, 2009, Long filed a motion requesting that the trial court strike his prior felony conviction in furtherance of justice (§ 1385). Long argued, among other points, that even without the Three Strikes prior conviction he was facing a lengthy

sentence. In addition, he asserted that although the current offense was violent, it involved the use of PCP. Finally, Long argued that his prior conviction had occurred over 15 years ago. The trial court denied the motion.

At proceedings held on March 16, 2009, Long was informed that if he were convicted of the alleged crime and the special allegations were found true, he faced a sentence of 56 years to life in prison. Long, however was offered a plea bargain under the terms of which he would plead guilty to voluntary manslaughter and admit the alleged prior conviction. In exchange, he would be sentenced to 27 years in prison. Long indicated he wished to make a telephone call and, after he did so, he decided to accept the offer of 27 years. The People then moved to amend the information to include a second count alleging voluntary manslaughter in violation of section 192, subdivision (a).

After waiving his right to a court or jury trial, his right to confront and cross-examine the witnesses against him, his right to subpoena witnesses and present a defense and his privilege against self-incrimination, Long pleaded guilty to one count of voluntary manslaughter in violation of section 192, subdivision (a) and admitted previously having been convicted of assault with a firearm in violation of section 245, subdivision (a)(2). Long admitted that the prior conviction was a “five-year prior” pursuant to section 667, subdivision (a)(1) as well as a Three Strikes prior pursuant to sections 1170.12, subdivisions (a) to (d) and 667, subdivisions (b) to (i).

The trial court sentenced Long to the upper term of 11 years in prison for his conviction of voluntary manslaughter, then doubled the term to 22 years pursuant to the Three Strikes law. In addition, the trial court imposed a five-year term for Long’s admission that his prior conviction was for a serious felony within the meaning of section 667, subdivision (a)(1). In total, Long was sentenced to 27 years in prison.

Long was given presentence custody credit for 205 days actually served and 30 days of good time/work time, for a total of 235 days. The trial court ordered Long to pay a \$5,400 restitution fine (§ 1202.4, subd. (a)(2)), a suspended parole revocation restitution fine in the amount of \$5,400 (§ 1202.45), a \$20 court security fee (§ 1465.8, subd. (a)(1)), a \$20 DNA fee (Gov. Code, § 76104.7) and a \$30 court construction fee

(Gov. Code, § 70373). The trial court then dismissed all remaining counts and allegations.

Long filed a timely notice of appeal on April 23, 2009.

This court appointed counsel to represent Long on appeal on August 7, 2009.

### **CONTENTIONS**

After examination of the record, counsel filed an opening brief which raised no issues and requested this court to conduct an independent review of the record.

By notice filed October 9, 2009, the clerk of this court advised Long to submit within 30 days any contentions, grounds of appeal or arguments he wished this court to consider. No response has been received to date.

### **REVIEW ON APPEAL**

We have examined the entire record and are satisfied counsel has complied fully with counsel's responsibilities. (*Smith v. Robbins* (2000) 528 U.S. 259, 278-284; *People v. Wende* (1979) 25 Cal.3d 436, 443.)

### **DISPOSITION**

The judgment is affirmed.

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KLEIN, P. J.

We concur:

KITCHING, J.

ALDRICH, J.